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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,372

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Florian Straub

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
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EXAMINER

OKEKE, IZUNNA

ART UNIT

PAPER NUMBER

4193

NOTIFICATION DATE

DELIVERY MODE

04/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/510,372	Applicant(s) STRAUB ET AL.	
	Examiner Izunna Okeke	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (US-6301484).

a. Referring to claim 1:

Regarding claim 1, Rogers teaches a method for remotely controlling and/or regulating at least one system, in particular an industrial system,

- using a communication device which is assigned to the system (Col 3, Line 58-60 teaches a communication device),
- wherein a communication is dispatched by the communication device (Col 5, Line 4-10 teaches dispatching a communication),
- the communication comprises information relating to the system and a validation code (Col 7, Line 31-45 teaches the message comprising of information relating to the system and a confirmation code), and
- from a message which the communication device receives after the communication has been dispatched (Col 5, Line 14-15 teaches a received SMS message),

- a check code is extracted according to a first extraction rule (Col 5, Line 14-33 teaches extracting a check code to see if the message is a control message)

Art Unit: 4193

- by means of the validation code and the check code it is checked whether the message originates from a receiver of the communication (Col 5, Line 34-55 teaches checking whether the message is for the receiver of the communication),
- only if the checking is successful, an instruction information according to the first extraction rule is extracted from the message and is implemented by the system (Col 6, Line 29-45 teaches checking for the validation and implementing the extracted message),

-wherein the validation code has a limited period of validity, wherein a validity information is added to the validation code (Col 6, Line 15-29 teaches a validity information of 'T' or 'F' added to the validation code).

b. Referring to claim 2:

Regarding claim 2, Rogers teaches the method as claimed in claim 1, wherein the validity information is appended to or is prefixed to the validation code (Col 6, Line 15-29 teaches a validity information of 'T' or 'F' appended to the validation code).

c. Referring to claim 3:

Regarding claim 3, Rogers teaches the method as claimed in claim 1, wherein the validation code is valid once (Col 5, Line 47-53 teaches the model ID validation code being valid once. If it is not valid when it is first checked, it is deleted).

d. Referring to claim 5:

Regarding claim 5, Rogers teaches the method as claimed in claim 1, wherein the validation code is transmitted in encrypted form (Col 7, Line 9 teaches encrypting the validation code).

e. Referring to claim 6:

Art Unit: 4193

Regarding claim 6, Rogers teaches the method as claimed in claim 1, wherein the validation code itself is encrypted before it is added in accordance with a first combination rule to the communication or message (Col 7, Line 9 teaches encrypting the validation code).

f. Referring to claim 7:

Regarding claim 7, Rogers teaches the method as claimed in claim 1, wherein the check code is transmitted in encrypted form. (Col 7, Line 9 teaches encrypting the check code).

g. Referring to claim 8:

Regarding claim 8, Rogers teaches the method as claimed in claim 1, wherein

- by the receiver of the communication, a dispatcher information is added to the message, which he generates (Col 4, Line 15-18 teaches authentication data added to the message), in accordance with a third combination rule,
- the dispatcher information is extracted from the message in accordance with a third extraction rule (according to the embodiments of the invention in Col 5-8, the information in the SMS message including the authentication information is extracted from the message),
- by means of the dispatcher information and stored dispatcher data the dispatcher is identified (according to the embodiments of the invention in Col 5-8, the authentication information is compared to a stored list to identify the dispatcher as is done in identifying the device),
- only if the checking, as to whether the message originates from a receiver of the communication, is successful and if the identification of the dispatcher is successful, an

Art Unit: 4193

instruction information is implemented by the system, after the check code and dispatcher information have been extracted from the message (Col 4, Line 15-18 teaches authentication data added to the message as part of the SMS message and according to the embodiments of the invention, if the dispatcher is not authenticated, the instruction information wont be implemented), and

- if the checking and/or the identification of the dispatcher were/was not successful, the instruction information is ignored (according to the embodiments of the invention in Col 5-8, if the dispatcher is not authenticated, the instruction information is ignored)

h. Referring to claim 9:

Regarding claim 9, Rogers teaches the method as claimed in claim 8, wherein the dispatcher information contains a secret password or a secret identification number (Col 7, Line 7-10 teaches authentication field to authenticate the sender, such authentication information might comprise password or secret identification information).

i. Referring to claim 10:

Regarding claim 10, Rogers teaches the method as claimed in claim 8, wherein the dispatcher information is transmitted in encrypted form (Col 7, Line 9 teaches encrypting the transmission).

j. Referring to claim 11:

Regarding claim 11, Rogers teaches the method as claimed claim 8, wherein the dispatcher information itself is encrypted before it is added to the message in accordance with a third combination rule (Col 7, Line 9 teaches encrypting the transmission).

k. Referring to claim 12:

Art Unit: 4193

Regarding claim 12, Rogers teaches the method as claimed in claim 1, wherein the entire communication and/or message are encrypted (Col 7, Line 9 teaches encrypting the transmission).

1. Referring to claim 13:

Regarding claim 13, Rogers teaches the method as claimed in claim 1, wherein the communication and/or the message are dispatched and/or received by means of short message service (Col 58-65 teaches SMS)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (US-6301484), and further in view of Takahashi (US-6295458).

a. Referring to claim 4:

Regarding claim 1, Rogers teaches the method as claimed in claim 1. Rogers does not teach the validation code generated by a random number generator. However, Takahashi teaches using a random number generator to generate a code for an SMS message (Col 6, Line 46-50 teaches a number generator to generate an SMS message.). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Rogers' system to use a random number generator to generate the number as taught by Takahashi for the purpose of providing a secure validation code for the system.

Art Unit: 4193

5. Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (US-6301484), and further in view of Oinonen (US-6275710).

a. Referring to claim 14:

Regarding claim 14, Rogers teaches the method as claimed in claim 1, Rogers is silent on the message received via Internet. However, Oinonen teaches the message is received via Internet (See Oinonen, Col 2, Line 44-46 teaches a TCP/IP transmission protocol). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Rogers' system to transmit the message via the internet as taught by Oinonen for the purpose of using the system to control different devices such as laptops or computers using the TCP/IP protocol.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Song (US-6393297) discloses a method for remotely controlling an external appliance via a mobile terminal in a mobile radio system supporting a short message service (SMS) (See Abstract)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Izunna Okeke whose telephone number is (571) 270-3854. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Nguyen can be reached on (571) 272-1753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IO

/Long Nguyen/
Supervisory Patent Examiner
Art Unit 4193